UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte ROBERT VAN HERK

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Appeal 2016-008461
Application 13/133,457
Technology Center 2600

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Before JASON V. MORGAN, NABEEL U. KHAN, and
KAMRAN JIVANI, *Administrative Patent Judges.*

KHAN, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant seeks our review, under 35 U.S.C. § 134(a), of the
Examiner's final decision rejecting claims 1–5, 9, and 12–15. App. Br.,
Claims App'x. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

THE INVENTION

"The invention relates to automatically integrating a device such as a lamp in a networked system such as a networked lighting system so that a user does not have to set-up or configure the new device or lamp, respectively." Spec. 1. Independent claim 1 is reproduced below.

> 1. A method for automatically integrating a device in a networked system, comprising the automatically performed steps of:
>
> detecting a new device to be integrated in the networked system,
>
> determining a reference device of the networked system, and
>
> copying the functionality of the reference device to the new device.

REFERENCES and REJECTIONS

Claims 1–5, 9, and 12–15 are rejected under pre-AIA 35 U.S.C. § 103(a) as obvious over Bump et al. (US 2007/0250180 A1; Oct. 25, 2007) and Burr et al. (US 2008/0126665 A1; May 29, 2008). Final Act. 2–5 (Feb. 25, 2015).

ANALYSIS

Claim 1, 3–5, and 13–15

Claim 1 is representative of claims 3–5 and 13–15. 37 C.F.R. § 41.37(c)(1)(iv) (2014). The Examiner finds all of the limitations of claim 1 taught or suggested by Bump alone, but further cites Burr as additional support for teaching the claimed "detecting a new device to be integrated in the networked system." Final Act. 2–3;

More particularly, the Examiner finds Bump's steps 700–722 (described *infra*) teach the limitations of claim 1 as described herein. Final Act. 2 (citing Bump Fig. 7). Steps 704–706 suggest automatic detecting of a new device. *Id.* (citing steps 706–710); Adv. Act. (May 5, 2015) (restricts finding to steps 704–706). Step 712 teaches automatic determining of a reference device. Final Act. 2. Finally, steps 714–716 teach automatic copying of the reference device's functionality to the new device. *Id.*

The Examiner also elaborates that, though Bump does not expressly state steps 704–706 include automatic detection of the newly connected field bus device, automatic detection is suggested by Bump's disclosure of selecting the device from a GUI. *Id.* at 3 (citing Bump ¶¶ 62–63, 67; Fig. 6a; stating "the user selects the new device from a set of all field devices, which one of ordinary skill in the art clearly can understand to be detecting the new device."); *see also* Adv. Act. The Examiner further finds Burr additionally teaches or suggests the claimed detecting step by describing prior art detection of a newly connected field bus device. *Id.* at 3 (citing Burr ¶¶ 109, 110; Figs. 12 (elements 1202, 1204)). The Examiner provides a rationale for adding the automatic detection in view of Burr, stating: "It would have been obvious . . . to combine the teachings of Bump with that of Burr so that . . . the system can automatically detect the new device when it is physically connected." *Id.*[1]

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[1] The Examiner summarizes Burr's application in the Answer, stating: "[T]hough Bump et al. does not explicitly state that the system automatically detects the new device, it is well known in the art to automatically detect a newly connected field device as supported by [Burr]." Ans. 3; *see also id.* at 4–5 (quoting Burr ¶ 83 as stating: "The connection detector 806 . . . senses

The Examiner has articulated a comprehensive and well-reasoned reliance on Bump and Burr at the record's above-cited pages. As such, we adopt the Examiner's findings therein. We also adopt the concordant findings at the Answer's pages 2–5, which respond to Appellant's arguments. Though the above-adopted findings address the arguments, we note the following arguments for emphasis.

Appellant argues:

> Simply stated, the [Examiner's] proposal is that operation 704 disclosed by Bump, et al. automatically detects a newly-connected field device and evidence that such automatic detection has occurred is provided by the fact that a user may select the newly-connected field device through a computer interface in subsequent operation 706.

> However, Bump, et al. disclose, with respect to Fig. 7, that "the automated Device Commissioning procedure 707 commences at step 708" (see Bump, et al. ¶ [0066], lines 4–6). Thus, Bump, et al. disclose that the automated operations within Fig. 7 are limited to those identified by reference character 707, and these automated operations are referenced by characters 708–718. Operations 704 and 706 are excluded from procedure 707.

App. Br. 5–6.

We disagree with Appellant's contentions. The Examiner finds steps 704 and 706, whereby the device is physically connected (step 704) and CP 707 is initiated (step 706), include the GUI (or attached operating system) identifying and thus also detecting the device. *See supra* 2–4 (Examiner's findings). We agree with the Examiner's reasoning because Bump's GUI identifies the device—not merely the connecting port—so the user may

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when the field device 112a has been connected to the termination module 124a.'").

select the device itself to initiate CP 707. Bump ¶ 62; *see also id.* at Figs. 6a–b (GUIs identifying connected devices with specificity). In short, we agree an artisan would contemplate the GUI as detecting a device itself for the disclosed purpose of identifying a device itself (not merely a port connection).

Moreover, Burr establishes that it was known in the art at the time to automatically detect newly-connected field bus devices for purposes of device identification. Burr ¶ 83; *see also fn.* 2. Indeed, Burr expressly states that networks responsively queried newly detected devices for identifying information. Burr ¶ 83 ("[T]he connection detector 806 [notifies] the communication processor 804[, which] then queries . . . the field device 112a for the field device identification[.]"). Thus, Burr's automated detecting fits squarely within Bump's GUI and steps for identifying the newly connected device to the user. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007) ("Common sense teaches . . . [that] in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle.").

Appellant also argues: "Even assuming, arguendo, that Bump et al. disclose automatically detecting a newly-connected field device, as newly proposed in the Advisory Action, Bump, et al. expressly discloses that operation 706 is a manual operation." App. Br. 6. The argument is unpersuasive for each of two reasons. First, there is no indication that step 706's operations are all manual operations; i.e., include no automated operations for initiating CP 707. Second, even assuming step 706's operations are all manual operations, Burr plainly suggests adding an

automated detection of the new device. *See supra* 5 (addressing Burr's

teachings).

Appellant also argues:

> [E]ven though two of the operations disclosed by Bump, et
> al. putatively have automated characteristics and these two
> operations are those the Office correlates to Appellant's recited
> subject matter, the two operations are not "automatically
> performed steps" because a manual operation intervenes between
> them. Without a user performing a manual operation after the
> putative automated detection in operation 704, operation 712 will
> never occur. Thus, operation 712 is not "automatically
> performed [.]"

App. Br. 6. The argument is not commensurate with claim 1's scope.

Nothing within claim 1 requires the three steps to be contiguously automatic.

That is, there is no requirement that each step initiate the next step. And, as

acknowledged by Appellant, Bump's step 712 is part of the fully automated

CP 707 (Bump Fig. 7). Step 712 is thus, at the least, automatically

performed in itself.

Appellant also argues: "The [rejection] provides no indication that the

detection operation disclosed by Burr, et al. is automated, and Burr, et

al. does not disclose such. The connection detector of Burr, et al. could be

manually instructed to perform the detection of field device 112a."

App. Br. 8. We disagree for the reasons above. Also note, Burr states:

> The connection detector 806 may be implemented using, for
> example, a voltage sensor, a current sensor, a logic circuit, etc.
> that senses when the field device 112a has been connected to the
> termination module 124a. [Upon such sensing/detection,] the
> connection detector 806 causes a notification (e.g., an interrupt)
> to ... the communication processor 804 ... [, which] then
> queries the termination module 124a and/or the field device 112a
> for ... identification information[.]"

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Burr ¶ 83. There is no reasonable doubt of automatic detection, notification, and querying above.

Appellant also argues: "The Office has identified no evidence that [Bump's] user did not initiate the detection field device or inform the computer interface of the connection of the field device." App. Br. 10. As discussed, nothing within claim 1 requires the three steps to be automatically initiated; e.g., contiguously automatic. *See supra.* They are automatically "performed"; e.g., upon being manually initiated.

For the foregoing reasons, we sustain the rejection of claims 1, 3–5, and 13–15.

Claim 9

As to independent claim 9, Appellant further argues: "Claim 9 recites 'a wireless communication unit being adapted to wirelessly control devices of the networked system.' Neither the Final Rejection nor the Advisory Action proposes that the applied references suggest wirelessly controlling devices of a networked system." App. Br. 10. The Final Action states claim 9 "reads on [Bump's ¶ 23, ll. 15–19 disclosure] that a local supervisory level process control network are carried out via a *wireless network interface*[.]" Final Act. 4 (emphasis added). And, Bump's cited disclosure states: "[W]hile hardwired connections . . . are depicted in FIG. 1, such links . . . are alternatively carried out via *wireless network interfaces.*" Bump. ¶ 23 (emphasis added). Appellant's argument is without merit.

Accordingly, we sustain the rejection of claim 9.

Claims 2 and 12

Claims 2 and 12 respectively depend from claims 1 and 9. Claim 2 is representative and recites:

> 2. The method of claim 1, wherein the step of detecting a new device to be integrated in the networked system comprises determining the capabilities of the new device, and the step of determining a reference device of the networked system comprises determining a reference device of the networked system with capabilities similar to the capabilities of the new device.

Appellant argues:

> The Final Rejection proposes Bump, et al. disclose this subject matter through operation 706 (see Final Rejection page 3, penultimate paragraph).

> However, Bump, et al. disclose, with respect to operation 706, that "[a]t step 706 the user, through the configuration component user interface depicted in FIG. 6a, initiates the Device Commissioning action operation (i.e., Commission) of the set of action options 604" (see Bump, et al. ¶ [0066], lines 1–4). "In response the automated Device Commissioning procedure 707 commences at step 708" (see lines 4–6).

App. Br. 11. The argument is not persuasive because Bump's step 706 includes the user's selecting of the new device via the GUI, which is the manner by which Bump initiates determining of the device's capabilities (in initiated CP 707). Thus, Bump's step 706 is indeed part of Bump's determining of the capabilities.

Also note, the initiated CP 707 includes steps 714 and 716, whereby the new device's "function blocks are configured in accordance with values (see, e.g., FIG. 3) previously specified for the replaced field device[.]" Bump ¶ 68; *see also id.* at ¶ 57. Thus, step 706 selects the new device. And,

the resulting CP 707 identifies a reference device (the replaced device) for configuring the new device. *Compare* Appellant's claim 2.

Accordingly, we sustain the rejection of claims 2 and 12.

DECISION

The rejections of claim 1–5, 9, and 12–15 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED